

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:06CV316
(1:04CR43-10)**

BILLY EUGENE PROFFITT, JR.,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
<hr style="width:40%; margin-left:0"/>)	

THIS MATTER is before the Court on the Petitioner's motion to alter, amend or otherwise for reconsideration of the dismissal entered herein on November 15, 2006.

On review of the Petitioner's motion, the Court finds the arguments set forth therein to be without merit.

IT IS, THEREFORE, ORDERED that the Petitioner's motion to alter, amend or otherwise for reconsideration of the dismissal of this action is hereby **DENIED**.

Signed: December 12, 2006

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

